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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,882	02/22/2000	Richard H. Guski	PO9-99-151	4051

23413 7590 10/20/2004

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EXAMINER

HENEGHAN, MATTHEW E

ART UNIT PAPER NUMBER

2134

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/507,882	GUSKI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Matthew Heneghan	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 17-24 is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/8/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-24 have been examined. Claims 1, 8, 9, 17, and 24 have been amended in response to the most recent office action.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 6 July 2004 has been entered.

#### ***Claim Rejections - 35 USC § 101***

3. In view of Applicant's amendments, the previous rejections of claims 1-8 under 35 U.S.C. 101 are withdrawn.
4. Claims 9-16 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter.

Art Unit: 2134

The limitations of the claims still only teach to abstract data and the means and processes by which the abstract data could be manipulated. In order to overcome this rejection, applicant would need to add limitations that made the several means necessary to a functionality that encompasses statutory subject matter. Applicant could also overcome this rejection by specifying that the means be on a computer-readable medium.

***Claim Rejections - 35 USC § 112***

5. In view of applicant's amendments, all previous rejections under 35 U.S.C. 112 are withdrawn.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,615,347 to de Silva et al. (hereinafter de Silva) in view of U.S. Patent No. 6,233,577 to Ramasubramani et al. (hereinafter Ramasubramani).

Regarding claim 9, de Silva discloses a certificate system wherein a user's digital certificate for the network is accessed (see column 9, lines 5-35), searching by certificate serial numbers previously compiled to determine authorization.

The method for constructing the database of serial numbers searches by comparing several data items in certificates to determine if the criteria match any of the certificates in a database. The query that must be used to perform this operation constitutes a mapping record. The mapping criteria include Distinguished Names, and de Silva discloses that additional fields may be used depending upon the desired level of security (see column 6, lines 35-55).

Ramasubramani discloses a certificate management system including the generation of prefixes for a distinguished name, derived from information including a timestamp, which is indicative of the current system status at the time of the certificate request, so that each distinguished name is unique (see column 10, lines 47-59).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system disclosed by de Silva to generate additional information related to a distinguished names based on environmental information at the time of certificate creation, such as a timestamp, as disclosed by Ramasubramani, in order to ensure that each distinguished name is unique.

Regarding claims 10 and 11, the system of de Silva is used for all users, and different information (serial numbers) correspond to different users.

As per claim 12, de Silva uses X.509 certificates, which are part of the X.500 protocol (see previously cited RFC 2256, page 2).

7. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,615,347 to de Silva et al. in view of U.S. Patent No. 6,233,577 to Ramasubramani et al. as applied to claims 9 and 10 and further in view of U.S. Patent No. 5,774,552 to Grimmer.

De Silva and Ramasubramani disclose a system for mapping distinguished names with support for status reports, as above, but do not apply this invention to digital certificates with distinguished names.

Grimmer discloses the use of multiple security levels by issuing additional certificates of a higher level. Grimmer suggests that this gives the most secure use of authentication (see column 5, line 66 to column 6, line 6).

Grimmer also discloses a method and system for retrieving digital certificates, including distinguished names, from an X.500 database (see column 4, lines 18-21), and suggests that certificate authentication requires global access to a centralized, secure repository (see column 1, lines 41-43).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system disclosed by de Silva and Ramasubramani to use of multiple security levels by issuing additional certificates of a higher level and also to support digital certificates, containing distinguished names, as disclosed by Grimmer, in order to give the most secure use of authentication and to have global access to a centralized, secure repository.

***Response to Arguments***

8. Regarding the rejections under 35 U.S.C. 101 to claims 9-16, Applicant's arguments filed 6 July 2004 (see Remarks, pp. 8-9) have been fully considered but they are not persuasive. Though claim 9 does now includes the presence of a computer network, the limitations of the claims still only teach to abstract data and the means and processes by which the abstract data could be manipulated.

9. Applicant's arguments, filed 6 July 2004 (see Remarks, pp. 10-15), with respect to the rejections of claims 1-24 under 35 U.S.C. 103 have been fully considered and are persuasive in view of Applicant's amendments to the claims. Therefore, the rejections have been withdrawn.

***Allowable Subject Matter***

10. Claims 1-8 and 17-24 are allowed.

11. The following is an examiner's statement of reasons for allowance: In both claims 1 and 17, Applicant has persuasively argued that the cited art is not applicable, as the timestamp used by Ramasubramani reflects the time at which the certificate was issued, rather than the user's sign-on time. The other limitations in the claims are all disclosed in Ramasubramani or in de Silva (see rejection of claim 9).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application Publication No. 2002/0062438 to Asay et al. discloses a system for maintaining certificates on a server.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (703) 305-7727. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday from 8:30 AM - 4:30 PM Eastern Time. Effective 21 October 2004, the telephone number is being changed to (571) 272-3834.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789 (beginning on 21 October, (571) 272-3838).


**Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450




**Or faxed to:**  
(703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900 (beginning in October, (571) 272-2100).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEH   
October 4, 2004

  
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